

**REMARKS**

In response to the Office Action of June 6, 2008, claims 1-16, 18-23 have been amended and claim 17 has been cancelled.

Claims 1, 8, 14, 18, 19 and 23 have been amended to recite the feature of updating in a presence list at said at least one determined mobile terminal device, a presence attribute corresponding to said broadcast station, with said updated additional information data. Support for this amendment can be found in the application as filed, including in the first paragraph of page 6.

Claims 15 and 16 have each been amended to recite a computer readable medium stored with program code.

Claims 1-16, 18-22, and 23 have all been amended to correct informalities.

**Claim Objections**

At page 2 of the Office Action, claims 1, 8, 14, and 22-25 are objected to for various informalities. With this amendment, each of these informalities has been corrected, and it is respectfully submitted that the claims are presented in allowable form.

With regard to claim 23, a copy of the claims 1-23 appearing in the five page annex to the nine page IPRP (Form PCT/IPEA/409) was supplied by the applicant to the USPTO upon entering the US National Stage before the 30-month mark, and therefore, both 35 USC § 371 and 37 CFR 1.495 have been complied with. It is therefore believed that claims 1-23 as they appear in the annex to the IPRP and as amended in the Preliminary Amendment submitted upon entering the US National Stage are correctly numbered. Applicant's representative has discussed this matter with the PCT Legal Group and has asked for consultation assistance with the Examining Group in establishing that the correct claim set is the claims 1-23 that were preliminarily amended upon entering the US National Stage.

To clarify the claim numbering in the rejections, in the Detailed Action at pages 14 and 15 in numbered paragraphs 27 and 28, the Examiner refers to two claims 23 and 24 according to the former numbering (at the time of filing the International Application) and which covered subject matter removed during the International Phase and before entering the US National

Stage. The claims rejected for lack of novelty with former numbering 23 and 24 (when there were still twenty-five claims) no longer exist. Likewise, the claim 25 referred to in the obviousness rejection no longer exists.

**Claim Rejections- 35 U.S.C. § 102**

At page 4 of the Office Action, claims 1, 3-17, 19-20 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mackintosh et al. (US 6,349,329 B1, hereinafter Mackintosh).

With respect to claim 1, it is asserted by the Office that Mackintosh discloses each feature of the claim, with reference made to the abstract; column 5, lines 13-17, 25-33, 36-38, 41-43, and 50-67; column 6, lines 1-2; column 24, lines 11-14, 61-67; and column 25, lines 1-4. Applicant respectfully disagrees.

As amended, claim 1 recites updating in a presence list at said at least one determined mobile terminal device, a presence attribute corresponding to said broadcast station, with said updated additional information data. As is explained in the application as filed at the first paragraph of page 6, the track information for the radio station is updated automatically in the user presence list, which is a list at the user device indicating the presence of the radio station. By using the presence list and updating the attribute corresponding to the radio station with updated additional information data, listeners who want to add the radio station to their presence list (or “buddy list”) are able to check the radio station whenever they want to (Application as filed, page 11, paragraph 3).

Mackintosh is directed toward a system of and method for coordinating supplemental information such as advertising and promotional information broadcast over the Internet (Mackintosh, column 4, lines 64-67). In the method illustrated in Figures 1 and 2 of Mackintosh, program provider **104** provides information pertaining to the broadcast materials to a data server **116**, such as an identification of the broadcast materials that are being broadcast to user equipment **112** (Mackintosh, column 5, lines 36-43). Data server **116** utilizes the data received from program provider **104** to retrieve supplemental materials related to the broadcast materials and to provide those supplemental materials to user equipment **112** (Mackintosh, column 5, lines 50-54). In one embodiment, data server **116** uses the data provided to retrieve the associated

supplemental materials from its one or more storage databases **118** (Mackintosh, column 5, lines 55-58). Alternatively, the data server **116** can use the data provided to retrieve supplemental material parameters from database **118** (Mackintosh, column 7, lines 6-9). These retrieved parameters are provided to user equipment **112**, which then uses the parameters to retrieve the supplemental materials from another location (database **122**) (Mackintosh, column 7, lines 14-20).

Thus, it is clear that Mackintosh does not disclose or suggest utilizing a presence list in a mobile terminal device, and thus does not disclose updating in a presence list at said at least one determined mobile terminal device, a presence attribute corresponding to said broadcast station, with said updated additional information data.

Therefore, because Mackintosh does not disclose each feature of claim 1 as amended, it is respectfully submitted that the claim is in allowable form.

For the same reasons as with respect to independent claim 1 as amended, it is further respectfully submitted that amended independent claims 8, 14, and 19 are in allowable form.

As dependent amended claims 3-7, 9-13, 15-17, 20 and 22 are all dependent on the above mentioned independent claims, it is respectfully submitted that at least in view of such dependency, these claims are in allowable form.

### **Claim Rejections- 35 U.S.C. § 103**

At page 15 of the Office Action, claims 2, 18, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mackintosh in view of Iinuma et al. (US 6,230,325 B1, hereinafter Iinuma). Applicant will treat the rejection of claim 25 as a rejection of claim 23.

With respect to claim 18, it is asserted by the Office that Mackintosh discloses each feature of the claim, with the exception of “a database for storing indications of at least one mobile terminal device to be updated with said update additional information data” or “a controller for being connected to said database for receiving said indications of said at least one mobile terminal device and for determining at least one mobile terminal device to be supplied with said update additional information data of said current radio broadcast.” However, it is further asserted by the Office that these features are disclosed by Iinuma, with reference made to column 10, lines 18-27 and 46-47. Applicant respectfully disagrees.

As previously discussed with respect to claim 1 as amended, Mackintosh does not disclose the features of claim 18 as amended of a updating in a presence list at said at least one determined mobile terminal device, a presence attribute corresponding to said broadcast station, with said updated additional information data.

It is asserted by the Office that Iinuma discloses “a server uses a presence database,” with reference made to column 10, lines 18-22. However, this passage of Iinuma discusses verifying a user ID and password at a database in order to determine if they were registered in advance for purposes of establishing a communication link between a user terminal and a database connected to a broadcast station (Iinuma, Abstract, column 10, lines 18-22). Thus, Iinuma does not disclose a presence list at the terminal device itself.

Therefore, it is respectfully submitted that independent claim 18 as amended is in allowable form.

For similar reasons as with respect to independent claim 18 as amended, it is further respectfully submitted that independent claim 15 as amended is in allowable form.

Because dependent claims 2 and 21 are dependent upon independent claims 1 and 19, it is respectfully submitted that claims 2 and 21 are in allowable form, at least in view of such dependency.

For similar reasons as with respect to independent claims 18 and 19 as amended, it is further respectfully submitted that independent claim 23 as amended is in allowable form as well.

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant’s attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

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Dated: September 6, 2008

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